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Nixon Wiretap Target May Rise in ACLU

By Mary Thornton
Washington Post Staff Writer

Morton H. Halperin, the former National Security Council aide who sued President Richard M. Nixon and Henry A. Kissinger for approving a wiretap on his telephone, appears to be a top contender to become director of the American Civil Liberties Union's national office here, according to ACLU sources.

Halperin, who heads the Center for National Security Studies, an ACLU subsidiary, has not formally applied for the job, which opened up when John Shattuck left to become a senior administrator at Harvard University. But Halperin has made clear that he is interested.

His only major obstacle, according to ACLU officials, is an ACLU affirmative-action requirement that calls for an extensive search for a qualified minority person before a white can be considered.

ACLU executive director Ira Glasser said the affirmative-action search was started in mid-June and extended in August after only two applications, both from white men, were received.

Glasser said six to 10 candidates will be asked to apply, but if none is selected before an Oct. 20 directors' meeting he is likely to ask the board to waive the affirmative-action requirement.

Glasser also remarked that the ACLU was a "lily-white" organization less than a decade ago, so he promised to do his best to find a qualified minority-group candidate.

The ACLU customarily has trouble attracting qualified minorities for top jobs, Glasser said, because likely candidates are already working for comparable organizations such as the NAACP or Common Cause, or hold high-paying jobs and would have to accept a drastic salary cut.

Halperin is highly regarded by virtually all of the ACLU hierarchy, but there is some concern over

whether he would change the organization's direction and how he would deal with the group's opposing factions.

Some in the organization worry about protecting the ACLU's image as a middle-of-the-road organization concerned more with civil liberties than politics and fear that Halperin would be perceived as too liberal because of his Nixon administration wiretap lawsuit, which is pending in the courts. Halperin was a senior member of the NSC staff in Nixon's first term when Kissinger was the president's national security affairs adviser.

Some people in the left wing of the ACLU see Halperin as too conservative. He was recently criti-

cized for recommending that the ACLU compromise on legislation to exempt the CIA's operational files from the search requirements of the Freedom of Information Act.

"The reason we agreed is because, after 10 years of experience, we know that information is seldom released from the operational files because it's classified," an ACLU official said. He said the search requirement has created a three-year backlog of FOIA requests.

Arnold Torres of the League of United Latin American Citizens, who is on the advisory committee searching for minority candidates, said he believed that more conservative leadership might be good for the ACLU. "The ACLU is a little too liberal for mainstream Hispanics. If Mort brings about changes in that regard, it's to their advantage," Torres said.

Other critics worry that Halperin may neglect civil rights because he has been involved so deeply in national security and privacy.

But one Halperin supporter says, "National security is probably the main issue where the ACLU is the

only player in town. On the other big issues—civil rights and women's rights—there are other organizations involved. We're part of a coalition. But on national security, there's nobody else."

Another high-level official said that, although civil rights is an important issue to the ACLU, it is not always the primary issue.

He said, "The ACLU is a split organization now. It's becoming more and more a civil-rights organization. But civil rights are not always compatible with civil liberties. . . . For example, if there is a strong push for a civil-rights statute on pornography, most in the ACLU would see that as censorship while a lot of women would see it as a civil-rights issue."

One ACLU lawyer drew a contrast with Shattuck, saying Halperin is "much more operational than John. He deals with details and substance much more than John does. . . . People criticize Mort for being too much of an operator, but that is also his strength."

Another lawyer described Halperin as "a genius legislative strategist," and added: "Some people in the ACLU think we shouldn't be involved with Congress and lobbying, that we should just stand back and express our opinions. . . . But with the courts becoming more conservative, you can't always go into court any more. You have to win in the legislative arena. We want things to happen, bills to pass. We have to work with Congress."